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June 7, 2021

**LETTER TO COURT REGARDING WITHDRAWAL OF
“CONFIDENTIAL” DESIGNATION OF AIRCRAFT INSURANCE APPLICATIONS**

By Electronic Case Filing (ECF)

Judge Vernon Broderick
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Plaintiff is directed re-submit its motion for leave to file an amended complaint by June 14, 2021. Defendant shall file its opposition by June 21, 2021 and Plaintiff shall file its reply, if any, by June 28, 2021.

SO ORDERED:


HON. VERNON S. BRODERICK 6/9/2021
UNITED STATES DISTRICT JUDGE

Re: *National Union Fire Insurance Company of Pittsburgh, PA v. PVT Limited*
Case Number: 20-cv-1937 (VSB)

Dear Judge Broderick:

We represent Plaintiff/Counter-Defendant, National Union Fire Insurance Company of Pittsburgh, PA (“National Union”), in the above referenced insurance coverage action. On Friday, June 4, 2021, the undersigned advised the Court that National Union would be filing a Motion for Leave to File an Amended Complaint for Declaratory Judgment that adds one (1) cause of action for partial rescission of the Policies with respect to the subject aircraft based on the material misrepresentations may by Defendant/Counter-Plaintiff, PVT Limited (“PVT”) in its applications for insurance, and in connection therewith, sought leave to file certain documents under seal and in redacted form. Specifically, we sought to seal certain Aircraft Insurance Applications and also sought to redact excerpts of those Aircraft Insurance Applications in National Union’s proposed First Amended Complaint and Memorandum of Law in Support of its Motion for Leave to Amend (“Memorandum of Law”) as well as excerpts of National Union’s confidential and proprietary underwriting guidelines and rating forms in its proposed First Amended Complaint.

We now write to advise the Court that after advising PVT’s counsel that it must file, within three (3) days, a letter explaining the need to seal the Aircraft Insurance Applications, and consequently, the need to redact the references to those applications in the Memorandum of Law and proposed First Amended Complaint, counsel responded that they and their client, PVT, do not oppose removing the “confidential” designations from the applications.

Accordingly, National Union withdraws its request to seal the Aircraft Insurance Applications and redact the excerpts and references to those applications in its Memorandum of Law and proposed First Amended Complaint.

Notwithstanding the foregoing, National Union continues to seek leave to file its proposed First Amended Complaint, and if its motion is granted, to file its First Amended Complaint in redacted form in order to redact the confidential and proprietary information excerpted from the underwriting guidelines utilized by National Union’s underwriters and information contained in its confidential and proprietary forms with respect to rating insurance risks.

Judge Vernon Broderick
Case Number: 20-cv-1937 (VSB)
June 7, 2021
Page 2

Based on the foregoing, please advise whether the Court would like National Union to re-file its Motion for Leave to Amend its Complaint for Declaratory Relief with only Exhibit H – the proposed First Amended Complaint – in redacted form, with the redactions limited to the excerpts of National Union’s underwriting guidelines and rating forms.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew T. Houghton".

Andrew T. Houghton
Skarzynski Marick & Black LLP

cc: All counsel of record via ECF